IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SEVENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 3044 of 2005

Between:

Nomula Nageshwara Rao, S/o Venkateshwarlu,
R/o Chetla Mukunda Puram Village, (B-Thanda), Penpahad Mandal,

Nalgonda District. A.P.

..... PETITIONER

AND

1 The Sub Inspector of Police, Munagala Police Station at

Munagala (Village & Mandal), Nalgonda District.
2 The Sub Inspector of Prohibition & Excise, (SHO) Kodad Circle at

Kodad (Village & Mandal), Nalgonda District.
3 The Deputy Commissioner of Prohibition & Excise, Mahaboobnagar Division

at Mahaboobnagar.

..... RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order or direction more particularly one in the nature of Writ of Mandamus directing the 3rd respondent to release the Jaggery 75 Bags, consisting of 50 Kgs. each seized by the 1st respondent in FIR.No.114 of 2002 dt. 17-9-2002 and declare the auction of the 1st respondent in seizer of Jaggery is illegal without jurisdiction and pass such other orders which are necessary in the interest of justice.

Counsel for the Petitioner: MR.B.SAI RAM GOUD

Counsel for the Respondents: G.P. FOR HOME

The Court at the stage of admission made the following:

THE HONOURABLE SRI JUSTICE D.S.R.VARMA

W.P.No.3044 OF 2005

ORAL ORDER:

Heard both sides.

2. The petitioner seeks a direction to the third respondent-the Deputy Commissioner of Prohition and Excise, Mahaboobnagar, to release the jaggery of 75 bags consisting 50 kgs., each seized by the first respondent-the Sub-Inspector of Police, Munagala Police Station, in First Information Report No.114 of 2002, dated 17-09-2002 by declaring the action of the first respondent in seizing the jaggery as illegal and without jurisdiction.

3. In similar circumstances, a learned Judge of this Court in W.P.No.20103 of 2004, by order, dated 02-11-2004, having regard to the fact that similar matters have already been disposed of by this Court with a direction to the Deputy Commissioner of Prohibition and Excise to consider the request of the petitioner for release of the seized black jaggery and to pass appropriate orders in accordance with law, passed orders with similar

directions.

4. Accordingly, the present writ petition is disposed of, at the stage of admission, in terms of the orders passed by this Court in W.P.No.20103 of 2004, dated
02-11-2004. However, there shall be no order as to costs.

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D.S.R. VARMA, J

07TH MARCH 2005

ISN

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Sub Inspector of Police, Munagala Police Station at

Munagala (Village & Mandal), Nalgonda District.
2 The Sub Inspector of Prohibition & Excise, (SHO) Kodad Circle at

Kodad (Village & Mandal), Nalgonda District.
3 The Deputy Commissioner of Prohibition & Excise, Mahaboobnagar Division

at Mahaboobnagar.

4. Two CCs to G.P. for Home, High Court Buildings, Hyderabad (OUT).

5. Two CD copies

(Enclosed along with the copy of judgment order dated 02-11-2004 made in W.P.No.20103 of 2004 to R-1 to R-5)

THE HONOURABLE SRI JUSTICE D.S.R.VARMA

W.P.No.3044 OF 2005

07TH MARCH 2005